

Adopted

March 7, 2002

TOWN OF RIVERHEAD

Resolution # 257

APPROVES AMENDED SPECIAL PERMIT PETITION OF SPLISH-SPLASH

Councilwoman Sanders offered the following resolution which was seconded by Councilwoman Blass

WHEREAS, the Town Board of the Town of Riverhead is in receipt of a special permit petition from Splish Splash at Adventureland, Inc. to amend an existing special permit to allow the construction of a waterslide, attending parking area and tramway upon real property located at New York State Route 25, Calverton; such real property particularly described as Suffolk County Tax Map Number 0600-118-1-2.2, and

WHEREAS, by resolution #1249 of 2001 this Town Board did declare itself to be lead agency in this matter and did further determine the petition to be a Type I action pursuant to 6NYCRR Part 617, and

WHEREAS, upon such determination and pursuant to the Riverhead Zoning Ordinance, the Town Board did refer the petition to the Riverhead Planning Board for its report and recommendation; such Planning Board recommending to the Town Board that the petition be granted subject to certain conditions, and

WHEREAS, pursuant to the Charter of the County of Suffolk, the Town Clerk has referred the petition to the Suffolk County Planning Commission for its report and recommendation; such Commission determining the matter to be one of local determination, and

WHEREAS, pursuant to the Riverhead Zoning Ordinance, on the 19th day of February, 2002, the Riverhead Town Board did hold a public hearing respecting the subject petition, and

WHEREAS, the Riverhead Town Board has carefully considered the merits of the special permit petition, the SEQRA record created to date, the report of the Planning Department, the report of the Riverhead Planning Board, the report of the Suffolk County Planning Commission, the testimony offered at the relevant public hearing, as well as all other pertinent planning, zoning and environmental information, now

THEREFORE, BE IT

RESOLVED, that in the matter of the special permit petition of Splish-Splash at Adventureland, Inc., the Riverhead Town Board hereby makes the following findings:

1. That the premises is located within the Industrial A Zoning Use District;
2. That the Industrial A Zoning Use District provides for recreational uses by special permit;
3. That by resolution #552 of 1990, the Riverhead Town Board did approve a special permit petition to allow the construction of a water park upon the adjoining property to the east;
4. That by resolution #646 of 1995, the Riverhead Town Board did approve a special permit petition to allow the construction of an attendant parking area upon adjoining property to the west;
5. That the conceptual site plan attending the special permit petition depicted the construction of a water slide, tramway and a car/bus parking area;
6. That the environmental assessment form attending the petition described the relationship of the proposed parking area to the existing water park;
7. That the proposed water slide and parking areas will rely upon existing curb cuts at Splish Splash Drive for motor vehicle access;
8. That the proposed waterslide is not expected to generate significant additional motor vehicle traffic as it is being constructed in order to reduce existing queues at a similar waterslide located upon the adjoining improved property to the east and will not result in increased visitors beyond that number identified in the relevant environmental impact statement;
9. That the proposed parking area of 330 cars and 37 buses is designed to accommodate peak day parking requirements for the existing water slide parking which currently overflows onto the subject unimproved parcel;
10. That the expected water use of 5,000 gpd to be purchased from the Riverhead Water District will be re-cycled in order to mitigate impacts to water supplies;
11. That the beam construction of the proposed waterslide is of a nature as not to require the regrading of the construction area, and

BE IT FURTHER

RESOLVED, that based upon its findings, the Riverhead Town Board, as lead agency in the New York State Environmental Quality Review, further determines that the project design provides adequate measures to mitigate all potentially significant adverse environmental impacts, that the action will not have significant adverse impacts to either the natural or social environment and that a Draft Environmental Impact Statement need not be prepared, and

BE IT FURTHER

RESOLVED, that based upon its findings and determinations, the Riverhead Town Board hereby grants the special permit petition of Splish-Splash at Adventureland, Inc. to allow the construction of a waterslide, attending parking area and tramway upon real property designated as Suffolk County Tax Map Number 0600-118-1-2.2 subject to the following conditions:

FIRST: that this special permit approval is limited to the construction of those outdoor recreational uses depicted upon the conceptual site plan attending the instant special permit petition as prepared by the H₂M Group and dated February 15, 2002;

SECOND: that upon site control by Splish-Splash at Adventureland, Inc. of SCTM parcel numbers 0600-117-2-14, Splish-Splash at Adventureland, Inc. shall suitably screen the parking area currently existing upon the real property subsequent to site approval by the Town Board pursuant to Article XXVI of the Riverhead Zoning Ordinance;

THIRD: that the contemplated site plan petition to be made pursuant to Article XXVI of the Riverhead Zoning Ordinance depict landscaped areas with species of sufficient mature canopy to suitably screen the waterslide from view from public highways;

FOURTH: that this special permit shall not be assignable to another party without the consent of the Town Board;

FIFTH: that Splish-Splash at Adventureland, Inc. shall complete the construction of the outdoor recreational use within two (2) years of the date of the adoption of this resolution, and

BE IT FURTHER

RESOLVED, that a copies of this resolution be forwarded to the Town Attorney, Building Department, Planning Department and Splish-Splash at Adventureland, Inc. or their agent.

THE VOTE

Sanders	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Densieski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kozakiewicz		<input type="checkbox"/> Yes	<input type="checkbox"/> No		

THE RESOLUTION WAS WAS NOT
THEREUPON DULY ADOPTED

TOWN OF RIVERHEAD

Resolution # 258

APPROVES SITE PLAN OF SPLISH SPLASH AT ADVENTURELAND, INC.

Councilwoman Blass offered the following resolution,
which was seconded by Councilwoman Sanders :

WHEREAS, a site plan was submitted by Splish Splash at Adventureland, Inc., for construction of a water slide, tramway and a car/bus parking area to support an existing water theme park facility located at Middle Country Road (SR25), Calverton, New York 11933, known and designated as Suffolk County Tax Map Number 0600-118-002.2; and

WHEREAS, the Planning Department has reviewed the site plan dated February 15th, 2002, as prepared by Donald Sioss, P.E., for the H2M Group and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, the Town Board has carefully considered the merits of the site plan application, the SEQRA record to date, the report of the Planning Department, as well as all other relevant Planning, Zoning and Environmental information; and

WHEREAS, a copy of the subject site plan has been marked and initialed by the Town Board to show changes that are further set forth in this resolution, which site plan shall be on record with the Town Clerk; and

WHEREAS, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number of the Office of the Supervisor of the Town of Riverhead; and;

WHEREAS, this Town Board has reviewed the site plan and elevations aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that in the matter of the site plan application of Splish Splash at Adventureland, Inc., the Riverhead Town Board hereby reaffirms those SEQRA determinations made with regard to this application with Resolution Number 258 of 2002; and

BE IT FURTHER

RESOLVED, that the site plan and elevations submitted by Splish Splash at Adventureland, Inc., for construction of a water slide, tramway and a car/bus parking area supporting an existing water theme park facility, located at Middle Country Road (SR25), Calverton, New York 11933, as prepared by Donald Sioss, P.E., and dated February 15th, 2002 be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan review and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;
4. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
7. That parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
8. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
9. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Splish Splash at Adventureland Inc. hereby authorizes and

consents to the Town of Riverhead to enter premises at Middle Country Road (SR25), Calverton, New York 11933, to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
11. That all new utilities shall be constructed underground;
12. That pursuant to Section 108-133(I) of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a land clearing and/or building permit, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof.
13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
15. That Splish Splash at Adventureland, Inc. shall augment existing screen planting on the frontage of Suffolk County Tax Map Parcel Number 0600-018-01-002.1 with four (4) Weeping Willows; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to John L. Ciarelli, Esq., agent for Splish Splash at Adventure Land, Inc., Ciarelli & Dempsey, 737 Roanoke Avenue, P.O. Box 488, Riverhead, New York 11901, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 2002, made by Splish Splash at Adventureland Inc., residing at P.O. Box 1090, Riverhead, New York 11901, Declarant:

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto, as provided by Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land, and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;
3. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled , “Trash, Rubbish and Refuse Disposal,” and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
6. Parking, paving, and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
8. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, “No Parking, Handicap Only,” and the universal symbol affixed thereto. Further, by execution and filing of this document, Splish Splash at Adventureland Inc. hereby authorizes and consents to the Town of Riverhead to enter premises at Middle Country Road (SR25), Calverton, New York 11933, to enforce said handicapped parking regulations;
9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter, and that any planters, planter boxes, window boxes, or other container plantings shall likewise be maintained on a year-round basis;
10. That all new utilities shall be constructed underground;
11. That pursuant to Section 108-133(I) of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a land clearing and/or building permit, shall post a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;
12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
13. That all nursery stock and installation methods thereof shall meet the latest “American Standards for Nursery Stock,” as published by the American Association of Nurserymen;

Declarant has hereunto set his/her hand and seal the day and year above first written.

Splish Splash at Adventureland Inc.

STATE OF NEW YORK)

: ss.:

COUNTY OF SUFFOLK)

On the ____ day of _____, in the year _____ before me, the undersigned, _____ personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC

THE VOTE

Sanders Yes No Bliss Yes No
Densleki Yes No Luli Yes No
Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY ADOPTED

Adopted

03-07-02

TOWN OF RIVERHEAD

Resolution # 259

APPOINTS VALERIE MARVIN, ESQ. AS A HEARING OFFICER IN THE MATTER OF A DISCIPLINARY PROCEEDING AGAINST A TOWN EMPLOYEE

COUNCILWOMAN SANDERS offered the following resolution, which was seconded by **COUNCILWOMAN BLASS**

WHEREAS, the Town Board wishes to appoint a hearing officer to consider disciplinary charges against an employee and suspending that employee without pay pursuant to the terms of the CSEA Collective Bargaining Agreement; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby appoints Valerie Marvin, Esq. As the hearing officer in the disciplinary charges brought against a Town employee; and

FURTHER, BE IT, RESOLVED, that the Town Board reconfirms that the employee is suspended without pay for up to 30 days pending the determination of the charges; and

RESOLVED, that the Town Clerk be directed to forward a copy of this resolution to Valerie Marvin, Esq., Richard Zuckerman, Esq. and the Accounting Department.

THE VOTE

Sanders	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Densieski	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS WAS NOT

THEREUPON DULY ADOPTED